

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	CASE NO. 17-34230
WALLER MARINE, INC.	§	
	§	
DAVID BRICE WALLER	§	(Jointly Administered)
	§	
Debtors.	§	CHAPTER 11 PROCEEDING

**NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. §§ 1334 AND 1452**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COME **MAX FINANCIAL, LLC; DIVERSITY MAX, LLC; DIVERSITY MAX CANYON PORT, LLC; DIVERSITY MAX CP HOLDINGS, LLC; AND JEFFREY GREENWALT**, Co-Debtors and Creditors herein (hereinafter referred to as “Max-Greenwalt”) and file this Notice of Removal of Civil Action Pursuant to 28 U.S.C. §§ 1334 and 1452, (the “Removal Petition”) under the provisions of 28 U.S.C. §§ 1334 and 1452, and Rule 9027 of the Bankruptcy Rules. Max-Greenwalt would show as follows:

1. This removal involves a civil action that was commenced in 2017 in the County Court at Law No. 2 of Nueces County, Texas in Cause No. 2017CCV-61207-2, styled *Canyon Supply & Logistics, LLC, Plaintiff vs. Max Financial, LLC; Waller Marine, Inc.; Diversity Max, LLC; Diversity Max Canyon Port, LLC; Diversity Max CP Holdings, LLC; Jeffrey Greenwalt; and David Waller*. An index of the state court file and a copy of the state court file is attached hereto.

2. Venue of this removal action is appropriate in that the proceeding is being removed from the Court at Law No. 2 of Nueces County, Texas which is located in the Southern District of Texas and the pending jointly administered bankruptcy action for Debtors Waller Marine, Inc. and

David Bryce Waller is also located within the Southern District.

3. Max-Greenwalt alleges that all matters are within the original jurisdiction of the Bankruptcy Court. Canyon Supply & Logistics, LLC filed suit to collect an alleged debt against Max Financial, LLC; Waller Marine, Inc.; Diversity Max, LLC; Diversity Max Canyon Port, LLC; Diversity Max CP Holdings, LLC; Jeffrey Greenwalt; and David Waller. Waller Marine, Inc. and David Waller have filed Chapter 11 bankruptcy cases which are being jointly administered herein. Canyon Supply & Logistics, LLC's suit is related to and subsumed by the Bankruptcy Court cases filed by Waller Marine, Inc. and David Waller.

4. Max-Greenwalt alleges that the State Court action may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1334 and 1452(a), because the causes of action arise under Title 11, arise in or are related to a case under Title 11. This matter is a core proceeding pursuant to 28 U.S.C. § 157.

5. This notice of removal is filed within ninety (90) days of the order for relief that precluded Canyon Supply & Logistics, LLC from proceeding with his claims and; therefore, is timely filed pursuant to the provisions of Rule 9027 of the Bankruptcy Rules.

6. Promptly after the filing of this Removal Petition, pursuant to Rule 9027(c) of the Bankruptcy Rules, Max-Greenwalt will file a Notice to State Court of Removal in the Court at Law No. 2 of Nueces County, Texas in Cause No. 2017CCV-61207-2.

7. Max Financial, LLC; Diversity Max, LLC; Diversity Max Canyon Port, LLC; Diversity Max CP Holdings, LLC; and Jeffrey Greenwalt hereby expressly state that they consent to the entry of final orders or a final judgment by the Court (an Article I bankruptcy judge) in this proceeding if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

8. The names, addresses and telephone numbers of the counsel for all parties in this matter are as follows:

Roger S. Braugh Jr.
Stuart R. White
SISCO, WHITE, HOELSCHER & BRAUGH, LLP
900 Frost Bank Plaza
802 N. Carancahua
Corpus Christi, TX 78401
Telephone: (361) 653-3300
Facsimile: (361) 653-3333
Counsel for Canyon Supply & Logistics, LLC

Shelby A. Jordan
Harlin C. Womble
Antonio Ortiz
JORDAN, HYDEN, WOMBLE, CULBREATH & HOLZER PC
500 North Shoreline Drive, Suite 900
Corpus Christi, TX 78401
Telephone: (361) 884-5678
Facsimile: (361) 888-5555
Counsel for Canyon Supply & Logistics, LLC

Blair H. Burnside
Anderson Burnside PLLC
1627 West Alabama
Houston, TX 77006
Telephone: (713) 325-0301
Facsimile: (713) 325-0302
Counsel for Waller Marine, Inc. and David Waller

Christopher Adams
Okin & Adams LLP
1113 Vine Street, Suite 201
Houston, TX 77002
Telephone: (713) 228-4100
Facsimile: (888) 865-2118
Proposed Bankruptcy Counsel for Waller Marine, Inc.

Adam Corral
Susan Tran
Brendon Singh
CORRAL TRAN SINGH, LLP
1010 Lamar St., Suite 1160
Houston TX 77002

Ph: (832) 975-7300

Fax: (832) 975-7301

Proposed Bankruptcy Counsel for David Waller

Richard G. Foster

Kevin Cazalas

PORTER, ROGERS, DAHLMAN & GORDON, P.C.

One Shoreline Plaza

800 N. Shoreline, Suite 800

Corpus Christi, Texas 78401

Telephone: (512) 880-5808

Facsimile: (512) 880-5844

Counsel for Max Financial, LLC Diversity Max, LLC, Diversity Max Canyon Port, LLC, Diversity Max CP Holdings, LLC, Jeffrey Greenwalt

WHEREFORE, MAX FINANCIAL, LLC; DIVERSITY MAX, LLC; DIVERSITY MAX CANYON PORT, LLC; DIVERSITY MAX CP HOLDINGS, LLC; AND JEFFREY GREENWALT give notice that the State Court action, presently pending in the Court at Law No. 2 of Nueces County, Texas in Cause No. 2017CCV-61207-2, has been removed to the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

Respectfully submitted this 31st day of August, 2017.

/s/ William B. Kingman

William B. Kingman, SBN 11476200

Law Offices of William B. Kingman, PC

3511 Broadway

San Antonio, TX 78209

Telephone: (210) 829-1199

Facsimile: (210) 821-1114

bkingman@kingmanlaw.com

Counsel for Max Financial, LLC; Diversity Max, LLC; Diversity Max Canyon Port, LLC; Diversity Max CP Holdings, LLC; and Jeffrey Greenwalt

Of Counsel:

Richard G. Foster
State Bar No. 07295100
Southern District Bar No. 5907
rfoster@prdg.com

PORTER, ROGERS, DAHLMAN & GORDON, P.C.

Trinity Plaza II
745 E. Mulberry, Suite 450
San Antonio, Texas 78212
Telephone: (210) 736-3900
Facsimile: (210) 736-1992

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the above and foregoing (without attachments 1) was sent on this 31st day of August, 2017 via U.S. First Class Mail, Return Receipt Requested, postage prepaid to:

Roger S. Braugh Jr.
Stuart R. White
SISCO, WHITE, HOELSCHER & BRAUGH, LLP
900 Frost Bank Plaza
802 N. Carancahua
Corpus Christi, TX 78401

Shelby A. Jordan
Harlin C. Womble
Antonio Ortiz
JORDAN, HYDEN, WOMBLE, CULBREATH & HOLZER PC
500 North Shoreline Drive, Suite 900
Corpus Christi, TX 78401

Blair H. Burnside
Anderson Burnside PLLC
1627 West Alabama
Houston, TX 77006

Christopher Adams
Okin & Adams LLP
1113 Vine Street, Suite 201
Houston, TX 77002

1 Attachments are not included in the mailing due to the voluminous nature but are available upon request to the filing attorney.

Adam Corral
Susan Tran
Brendon Singh
CORRAL TRAN SINGH, LLP
1010 Lamar St., Suite 1160
Houston TX 77002

Richard G. Foster
Kevin Cazalas
PORTER, ROGERS, DAHLMAN & GORDON, P.C.
One Shoreline Plaza
800 N. Shoreline, Suite 800
Corpus Christi, Texas 78401

/s/ William B. Kingman